

The Gazette of India



EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

No. 49] NEW DELHI, FRIDAY, SEPTEMBER 7, 1956

LOK SABHA

The following Bills were introduced in Lok Sabha on the 7th September, 1956:—

BILL No. 41 OF 1956

A Bill further to amend the Payment of Wages Act, 1936.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Wages (Amendment) Act, 1956.

Short title and commencement.

5 (2) It shall come into force at once.

IV of 1936.

2. Sub-section (6) of section 1 of the Payment of Wages Act, 1936 (hereinafter referred to as the principal Act) shall be omitted.

Amendment of Section 1, Act IV of 1936.

3. In section 2 of the principal Act, after clause (vi), the following clauses shall be added, namely:—

Amendment of Section 2, Act IV of 1936.

10 (vii) “employer” with reference to the industries and trade to which this Act applies, means,—

VII of 1913.
I of 1956. 15 (a) all individual owners or partners and managing directors of firms or concerns of industry or trade, or of a company registered under the Indian Companies Act, 1913 or the Companies Act, 1956.

(viii) “employee” includes any person employed in the industries to which this Act applies, irrespective of designation, nature of work or pay, either monthly rated or piece rated.’

Amendment
of Section 3,
Act IV of
1936.

4. In section 3 of the principal Act,—

(1) after the words "to be paid under this Act" the words "and the wages shall be the first charge on the movable and immovable property of the employer" shall be inserted; and

(2) in the proviso, after the words "shall be responsible for such payment" the words "out of the movable and immovable property of the employer, which is in charge of such person" shall be added.

Amendment
Section
Act IV
1936.

5. For Section 18 of the principal Act, the following section shall be substituted, namely:—

10

"18. Every authority appointed under sub-section (1) of section 15 shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 for the purpose of taking evidence, enforcing the attendance of witnesses, compelling the production of documents, granting injunctions and of attaching the property of the employer pending final disposal of the case and shall have all the powers of a Civil Court to enforce the recovery of the amount due under this Act. The authority under this Act shall be deemed to be a Civil Court for all the purposes of Section 195 and of Chapter XXXV of the Code of Criminal Procedure, 1898 and shall also be deemed to be a court subordinate to the High Court for the purposes of the Contempt of Courts Act, 1952."

V of 1908.

Amendment
Section
Act IV
1936.

6. For section 19 of the principal Act, the following section shall be, and shall be deemed always to have been, substituted, namely:—

V of 1898.

XXXII of
1952.

Power to
recover from
employer in
certain cases.

"19. When the authority referred to in section 15 or the Court referred to in section 17 is unable to recover from any person, other than an employer, responsible under section 3 for the payment of wages, any amount directed by such authority out of the movable and immovable property of the employer in his possession, the authority shall recover the amount from the other property of the employer of the employed person."

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to clarify more precisely the terms and expressions contained in the Payment of Wages Act, 1936 and thus to avoid certain ambiguities whereby the very object of the present Act is reported to have been defeated in some of the cases. The proposed amendments are also necessary for the proper and better procedure for the recovery of the amounts of wages.

C. D. GAUTAM.

NEW DELHI;

The 16th May, 1956.

NOTES ON CLAUSES

Clause 2

Due to the existing sub-section (6) of section 1 only a limited number of persons can get relief. By its deletion the Act would be applicable to all and many persons would be able to derive advantage from it. Since the passing of the Act in 1936, the standard of living and wages have increased by about four or five times. In 1936 people getting upto Rs. 200/- a month were given advantage of the Act; now it would be a case of Rs. 1,000/- or more which would be equal to the wages of Rs. 200/- p.m. of those days. Hence the deletion of this clause is necessary.

Clause 3

As the terms "Employer or Employees" have not been defined in the principal Act, it is necessary to define the same.

Clause 4

Many bogus Companies are being floated these days and many a time when the business is being wound up, the payment to employees is not made, and attempts are made to dispose of the property by mortgage or sale before any payment of the wages is made or secured. Hence this amendment is necessary.

Clause 5

It has been found that in the absence of full powers, the Court is sometimes unable to carry out its objects. By the substitution of this new section 18, the wages of the labourers would be more secured and they shall be able to recover the wages of their hard labour.

Clause 6

This amendment is necessary because in certain cases the manager had suffered for no fault of his when the owner had not advanced him the money payable to the employees. If the amount is recoverable from him, he has to get it recovered from the owner of the industry by filing another suit and thus he suffers heavily. Sometimes when it is found that the amount is irrecoverable from the manager, the labourers have to proceed against the owners only after taking lot of troubles in trying to make recovery from the manager. This causes them great harassment and delay.

BILL No. 48 OF 1956

A Bill further to amend the Preventive Detention Act, 1950.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Preventive Detention (Amendment) Act, 19

V of 1950. 5 2. In section 3 of the Preventive Detention Act, 1950 (hereinafter referred to as the principal Act),—^{Amendment of section 3.}

(i) in sub-section (1), for the existing clause (a) the following clause shall be substituted, namely:—

10 “(a) if satisfied with respect to any person who is acting as an agent of foreign Government or the foreign institution that with a view to preventing him from acting in any manner prejudicial to the security of India, or”; and

(ii) in sub-section (2), the words and figures “sub-clauses (ii) and (iii) of” shall be omitted.

15 3. In section 7 of the principal Act,—

^{Amendment of section 7.}

(i) to sub-section (1) the following proviso shall be added, namely:—

20 “Provided that the person detained shall be entitled to take the help of the lawyer of his choice and the detaining authority shall provide such facility”; and

(ii) the sub-section (2) shall be omitted.

4. In section 8 of the principal Act,—

^{Amendment of section 8.}

(i) in sub-section (2) the words “or are qualified to be appointed as,” shall be omitted; and

(ii) for sub-section (3), the following shall be substituted, namely:—

“(3) the appropriate Government shall appoint one of the members of the Advisory Board as its Chairman.”

Amendment
of section 10.

5. In section 10 of the principal Act,—

5

(i) in sub-section (1) after the words “in person”, the words “or through the lawyers of his choice”, shall be inserted; and

(ii) sub-section (3) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Under the Constitution, the Preventive detention was considered to be an exceptional power to be used sparingly. Unfortunately it is being continued since 1950 and will at least remain in the statute till the end of 1957. The time has changed and the conditions have since been stabilised. It is, therefore, necessary to restrict the power to detain a person without trial to one who is a foreigner or an agent of a foreign Government or an institution.

As under the present Act, the person has been deprived of the right to be produced in court, it is absolutely necessary that the person detained should be allowed to take the help of a lawyer of his choice in respect of making representation or appearing before the Advisory Board.

Hence this Bill.

NEW DELHI;

K. K. BASU.

The 27th July, 1956.

BILL No. 51 OF 1956

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

Short Title. 1. This Act may be called the Constitution (Amendment) Act, 19

Amendment of article 37. 2. Article 37 of the Constitution shall be re-numbered as clause 5 (1) of that article and after clause (1) as so re-numbered, the following clause shall be inserted, namely:—

“(2) Notwithstanding anything contained in clause (1), if in the opinion of any court any executive action or order of the Government of any State or any laws made by the States ^{to} violate the principles of this chapter, such orders or laws, as the case may be, shall be declared void by such court.”

Amendment of article 291. 3. In article 291 of the Constitution, in clause (1),—

- (i) the words ‘free of tax’ shall be omitted; and
- (ii) sub-clause (b) shall be omitted.

15

Amendment of article 314. 4. In article 314 of the Constitution, the word ‘remuneration’ shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Constitution adopted the Directive Principles as guiding principles for the governance of the State and making the laws. For specific reason the makers of the Constitution did not make them enforceable by the court as fundamental laws. However after six years of enacting of our Constitution, it is now time for the citizens of free India to expect that the States are governed and the laws made according to the principles embodied in Part IV of the Constitution apart from the fundamental rights.

The country has accepted the socialistic pattern of society as her economic and social goal. The special privileges of the ex-rulers by way of exemption from income tax unlike any other citizen and the special position of the I.C.S. staff in the administration should be changed and modified to fit in with social objectives.

Hence this Bill.

K. K. BASU.

NEW DELHI;

The 27th July, 1956.

BILL No. 55 OF 1956

A Bill to provide for nationalisation of the existing Light Railways in the country and for matters connected therewith.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (a) This Act may be called the Indian Nationalisation of Light Railways Act, 19
- (b) It extends to the whole of India except the State of Jammu and Kashmir.
- (c) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. On and from the date appointed in this behalf by the Central Government, the management and ownership of all Light Railways ¹⁰ in the country shall vest in the Government of India.
3. On and from the vesting of the Light Railways under section 2, the Central Government shall take charge thereof and shall have all the rights and obligations as the former had prior to the said vesting. ¹⁵

Nationali-
zation of
Light
Railways.

Rights and
obligations
after nation-
alisation.

Compensa-
tion.

4. As for compensation to be paid to the previous owners of these Railways in respect of acquisition of their rights, title and interest, the provisions governing payment of compensation under the Air Corporations Act, 1953 shall apply *mutatis mutandis.*

XXVII of
1953.

STATEMENT OF OBJECTS AND REASONS

The state of passenger amenities on the existing company owned Light Railways is so bad that there seems to be no other effective solution than nationalising them and thus pave the way for their development. The existence of these Railways is not only an anachronism in the present state of affairs of our country but also not in keeping with the last declared Industrial Policy of the State. This Bill is intended to achieve the objective stated above.

Hence the Bill.

JHULAN SINHA.

NEW DELHI;

The 30th July, 1956.

FINANCIAL MEMORANDUM

It is estimated that the capital at charge over the Light Railways in India comes to about four hundred and eighteen lakhs which will have to be compensated for.

No exact idea is possible now of the amount of recurring expenditure over the maintenance and running of these lines but surely it will be nearabout a crore of rupees per year.

BILL No. 59 of 1956

A Bill further to amend the Indian Penal Code, 1860.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Short tit
Act, 19

XLV of 1860 5 2. Section 497 of the Indian Penal Code, 1860, shall be omitted.

Omission
section 4

STATEMENT OF OBJECTS AND REASONS

Section 497 of the Indian Penal Code provides punishment for the man who commits adultery with the wife of another man, but it exempts the wife of that another man from being punished as an abettor. This is a discrimination in favour of women in the matter of punishment for adultery, which is in contravention of the provisions of Articles 14(1) and 15 of our Constitution. Hence the necessity for deleting section 497.

NEW DELHI;

FULSINHJI B. DABHI.

The 4th August, 1956.

M. N. KAUL,

Secretary.